

Remarks

Claims 1-3, 5-14, and 18 are pending. Claims 1, 2, and 18 have been amended.

Appreciation is expressed for the indication of allowability of claim 2, 4, 7, and 19. In response, claim 1 has been amended to include the limitations of claim 4, claim 2 has been amended to include the limitations of claim 1, and claim 18 has been amended to include the limitations of claim 19. Accordingly, claims 1, 2, and 18 are in condition for allowance. Claims 3 and 5-14 depend from claim 1 and are allowable for at least this reason.

The Examiner notes that the declaration is defective. The applicant notes that on July 26, 2001, previous counsel for the applicant submitted a compliant declaration. A review of the Image File Wrapper (IFW) for the present application indicates that the declaration is not in the IFW. Accordingly, a copy of the declaration accompanies this response. Please note that subsequent to the original filing of this combined declaration and power of attorney, power of attorney was granted to the undersigned counsel. Consequently, by submitting this copy of the combined declaration and power of attorney, the applicant does not intend to affect a change in power of attorney.

The drawings are objected to because there is a lack of descriptive text legends for Figures 1a-2b. In particular, the Examiner refers to “37 CFR 1.83, CFR 1.84 [5(e)], MPEP § 608.02(e).” The applicant respectfully disagrees with the Examiner’s objection.

As an initial matter, the applicant is confused by the reference to “CFR 1.84 [5(e)].” Clarification is requested. The applicant also notes that MPEP § 608.02(e) makes no reference to descriptive text legends. 37 CFR §1.84(o) does state:

Legends. Suitable descriptive legends may be used subject to approval by the Office, or may be required by the examiner where necessary for understanding of the drawing. They should contain as few words as possible.

Additionally, MPEP § 608.02(g) states:

Figures showing the prior art are usually unnecessary and should be canceled. *Ex parte Elliott*, 1904 C.D. 103, 109 O.G. 1337 (Comm’r Pat. 1904). However, where needed to understand applicant’s invention, they

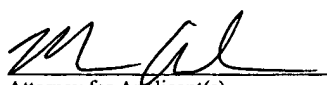
may be retained if designated by a legend such as "Prior Art." If the prior art figure is not labeled, form paragraph 6.36.01 may be used.

The applicant notes that Figures 1a and 1b are properly labeled as prior art, both in the informals originally filed and in the formal drawings submitted on July 26, 2001. Figures 2a and 2b are not labeled "prior art" because they do not illustrate the prior art.

Moreover, the applicant believes that no further legend is needed in any of Figures 1a-2b "for understanding of the drawing." If the Examiner believes there to be some legend necessary for understanding the drawing, the applicant respectfully requests clarification of this point.

Regarding the claim objections, the applicant notes that claims 15 and 20 have been cancelled.

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the examiner is requested to telephone the undersigned.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450, on <u>May 11</u> , 2006.	
 Attorney for Applicant(s)	<u>5/11/06</u> Date of Signature

Respectfully submitted,



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